

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JEFFREY D. CORDTZ,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE
vs.	)	
	)	1:21-CV-02003-MHC-LTW
JOHNSON LEGAL OFFICES, L.L.C.,	)	
FCI LENDER SERVICES, INC. and	)	
LARRY W. JOHNSON,	)	
	)	
Defendants.	)	

**DEFENDANT JLO'S AND DEFENDANT LWJ'S  
REPLY TO PLAINTIFF'S OPPOSITION TO BILL OF COSTS**

COME NOW JOHNSON LEGAL OFFICES, L.L.C. ("JLO") and LARRY W. JOHNSON ("LWJ"), co-Defendants in the above-styled civil action, and hereby replies to Plaintiff's Opposition to Bill of Costs and respectfully show this honorable Court the following:

There is a presumption in favor of awarding costs. Arcadian Fertilizer, L.P. v. MPW Industrial Services, Inc., 249 F. 3d 1293, 1296 (11<sup>th</sup> Cir. 2001). In this case, there were four depositions taken. Plaintiff noticed and took the deposition of LWJ on September 13, 2021. Plaintiff then noticed and took the deposition of January Taylor on October 18, 2021. Defendant JLO and Defendant LWJ later took the Plaintiff's deposition (their only deposition noticed and taken in this case) on October 21, 2021. Plaintiff finally noticed and took the second deposition of LWJ on

September 13, 2021. A district court must decide the factual question of whether the deposition was necessarily obtained for use in the case. EEOC v. W&O, Inc., 213 F. 3d 600 (11<sup>th</sup> Cir. 2000). However, in the case, three of the depositions taken were of parties in this lawsuit, all of which were certainly obtained for use in this case. Additionally, the only deposition of a non-party (the one of January Taylor) was noticed and taken by Plaintiff herein, and if Plaintiff did not plan on using that deposition in this case, then clearly he expanded unnecessarily the costs of Defendant JLO and Defendant LWJ in this matter. Defendant JLO and Defendant LWJ also had to attend and pay for that transcript without ultimately knowing what the intentions of Plaintiff were. Consequently, from Defendant JLO's and Defendant LWJ's perspective, the transcript had to be purchased as it was the deposition of Plaintiff's witness, who presumably he scheduled for use in this case. If not, then Plaintiff and his counsel's gamesmanship is further evidence in favor of the Motion for Sanctions and Attorney's Fees previously filed by Defendant JLO and Defendant LWJ herein.

Defendant JLO and Defendant LWJ, however, have reviewed their records and agree that the \$785.00 payment to Elizabeth Gallo Reporting was for a deposit for a deposition herein that ultimately was scheduled in front of a different court reporter, and such deposit was later returned. Nevertheless, during their review, Defendant JLO and Defendant LWJ also discovered that they had omitted the deposition charge related to Defendant LWJ's second deposition in the amount of \$618.39, a copy of which is attached as Exhibit "A" to the Affidavit of Larry W. Johnson being filed herewith. Consequently, Defendant JLO and Defendant LWJ

agree that the Bill of Costs should be reduced by the difference (\$785.00 - \$618.39), or by \$166.61.

Finally, Plaintiff contests the copying and mailing charges in the Bill of Costs. A copy of the Billings for this case is attached as Exhibit "B" to the Affidavit of Larry W. Johnson being filed herewith. That document shows the dates when every copying and postage charge was incurred, and it specifically references the documents being printed and mailed in the same date entry. Those costs should be allowed and should now be increased, by \$1.80 in postage and 30 more copies totaling \$3.00, for costs incurred subsequently.

WHEREFORE, Defendant JLO and Defendant LWJ request that this honorable Court grant their Bill of Costs, as amended herein.

Respectfully submitted this 9<sup>TH</sup> day of January, 2023.

JOHNSON LEGAL OFFICES, L.L.C.

By: 

Larry W. Johnson  
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CordtzJLOBillOfCostsReply01



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing DEFENDANT JLO'S AND DEFENDANT LWJ'S REPLY TO PLAINTIFF'S OPPOSITION TO BILL OF COSTS was served upon all parties electronically via the Court's system if filed, plus the following who was also served by mailing same by United States First Class Mail or better in a properly addressed envelope with adequate postage affixed thereon to ensure delivery, addressed as follows:

Shimshon Wexler, Esq.  
S WEXLER, L.L.C.  
2244 Henderson Mill Road  
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Decatur, GA 30345  
Attorney for Plaintiff

This 9<sup>TH</sup> day of January, 2023.

  
Larry W. Johnson  
Attorney for Defendant JLO and  
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